

06-096

Department of Environmental Protection

Maine Solid Waste Management Rules

CHAPTER 400

GENERAL PROVISIONS

Last Revised:

February 18, 2009

Chapter 400: GENERAL PROVISIONS**TABLE OF CONTENTS**

| | Page |
|---|------|
| 1. Definitions..... | 1 |
| 2. Applicability..... | 19 |
| A. Applicability of the Rules to Existing Solid Waste Facilities | 19 |
| B. Solid Waste Facilities Licenses..... | 19 |
| C. Operation Under a Court Order or Agreement with the Department..... | 20 |
| D. Solid Waste Facilities within the Jurisdiction of the Maine Land Use Regulation Commission | 20 |
| E. Future Commercial Solid Waste Disposal Facilities..... | 20 |
| F. Expansions of Commercial Solid Waste Disposal Facilities..... | 20 |
| G. Beneficial Use Licenses..... | 20 |
| H. Non-Hazardous Waste Transporter Licenses | 20 |
| I. Exemptions | 20 |
| 3. Solid Waste Licensing Process | 21 |
| A. Processing of Applications | 21 |
| B. Types of Licenses for Solid Waste Facilities and Activities..... | 21 |
| C. Application Requirements | 24 |
| D. Licensing Criteria for Solid Waste Facilities | 25 |
| E. License Term and Annual Reporting Requirements | 26 |
| F. License Conditions | 26 |
| 4. General Licensing Criteria | 26 |
| A. Title, Right or Interest..... | 27 |
| B. Financial Ability | 27 |
| C. Technical Ability | 28 |
| D. Provisions for Traffic Movement | 28 |
| E. Fitting the Solid Waste Facility Harmoniously into the Natural Environment | 32 |
| F. No Unreasonable Adverse Effect on Existing Uses and Scenic Character | 33 |
| G. No Unreasonable Adverse Effect on Air Quality | 35 |
| H. No Unreasonable Adverse Effect on Surface Water Quality | 36 |
| I. No Unreasonable Adverse Effect on Other Natural Resources..... | 36 |
| J. Soil Types That are Suitable and Will Not Cause Unreasonable Erosion | 37 |
| K. No Unreasonable Risk That a Discharge to a Significant Ground Water Aquifer Will Occur..... | 39 |
| L. Adequate Provision for Utilities and No Unreasonable Adverse Effect on Existing or Proposed Utilities | 39 |
| M. Not Unreasonably Cause or Increase Flooding | 39 |
| 5. Public Benefit Determination..... | 41 |
| A. Exemptions | 41 |
| B. Rebuttable Presumption of Public Benefit | 41 |
| C. Pre-Application Determination of Public Benefit | 41 |
| 6. Recycling..... | 42 |
| A. Applicability | 42 |
| B. Requirements | 43 |
| 7. Host Community Agreements and Municipal Intervenor Grants..... | 43 |
| A. Host Community Agreements..... | 43 |
| B. Municipal Intervenor Grants..... | 44 |

| | |
|--|----|
| 8. Right of Entry..... | 48 |
| 9. Hazardous and Special Waste Handling and Exclusion Plan | 48 |
| A. Standard..... | 48 |
| B. Submissions..... | 49 |
| 10. Liability Insurance..... | 50 |
| A. Level of Coverage..... | 50 |
| B. Exclusion of Legal Costs..... | 50 |
| C. Financial Test | 50 |
| 11. Financial Assurance For Solid Waste Disposal Facility Closure And Post-Closure Care And Corrective Action..... | 51 |
| A. Financial Assurance for Closure and Post-Closure Care..... | 51 |
| B. Financial Assurance for Corrective Action | 55 |
| 12. Criminal Or Civil Record..... | 58 |
| A. Full Disclosure..... | 58 |
| B. Denial of License..... | 59 |
| 13. Variances..... | 60 |
| A. Variances Affecting Site Standards, Facility Design, and Construction..... | 60 |
| B. Variances Affecting Operation..... | 60 |
| C. Contents of Application..... | 60 |
| D. Terms and Renewal of Conditions | 61 |
| Appendix A. Template for Hazardous & Special Waste Exclusion Plan..... | 65 |
| Appendix B. Wording for Trust Fund Agreements..... | 69 |
| Appendix C. Standard License Conditions for Solid Waste Facilities..... | 75 |
| Appendix D. Code of Federal Regulations, 40 CFR 258.70 – 258.72, and 258.74(a),(b) & (c) Effective as of July 1, 1999 | 77 |

ponds or rivers, streams or brooks, as these terms are defined in 38 MRSA section 480-B of the Natural Resources Protection Act.

Formatted: Left

Kk. Public entity. "Public entity" means a municipality or group of municipalities, a public waste disposal corporation under 38 MRSA section 1304-B, a refuse disposal district under 38 MRSA section 1702, *et seq.*, a county, State or Federal agency.

Ll. Public viewing area. "Public viewing area" means an area designated for the public to view scenic areas, historical sites, unusual natural features or public monuments. These areas include but are not limited to scenic highways; public easements; scenic turnouts; public monuments; and national, state or municipal parks.

Mm. Pug mill. "Pug mill" means any lined mixing chamber that uses an emulsified or cut-back asphalt binding agent to produce a bituminous product from an aggregate.

Nn. Putrescible Waste. "Putrescible waste" means solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease carrying organisms such as rodents and flies.

Oo. Quantifiable noise standard. "Quantifiable noise standard" means a numerical limit governing noise that has been duly enacted by ordinance by the municipality.

Pp. R.C.R.A. "R.C.R.A." means the Resource Conservation and Recovery Act, 42 U.S.C.A. section 6901 *et seq.*

Qq. Recycle / Recycling. "Recycle" and "Recycling" means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

Rr. Refuse-derived fuel. "Refuse-derived fuel" means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.

Ss. Residual. "Residual" means solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.

Tt. Residue. "Residue" means waste generated as a result of the handling, processing, composting, incineration, or recycling of solid waste including, without limitation, front end process residue, fines and other residues from construction demolition debris processing facilities, and ash from incineration facilities and non-compostable compost screenings.

Deleted: remaining after

Uu. Routine operation. "Routine operation" means, for the purpose of regulating noise, the regular and recurrent operation of a solid waste facility and the sound sources associated with that operation .